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PRAXAIR DISTRIBUTION INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL INSURANCE COMPANY,

Plaintiff,

vs.

PRAXAIR DISTRIBUTION INC., a foreign
corporation; HARSCO CORPORATION,
SHERWOOD VALVE DIVISION, a foreign
corporation; ad DOES 1 THROUGH 50,
inclusive,

Defendants.

Case No. CV-04-03943 SC

**DEFENDANT PRAXAIR
DISTRIBUTION, INC.'S NOTICE OF
MOTION AND MOTION FOR
SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, PARTIAL SUMMARY
JUDGMENT**

Hearing Date: Friday, September 2, 2005
Time: 10:00 A.M.
Place: Courtroom 1, 17th Floor

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that on Friday, September 2, 2005, at 10:00 a.m. in Courtroom 1, 17th Floor, located at the United States District Court, 450 Golden Gate Avenue, San Francisco, California, defendant PRAXAIR DISTRIBUTION, INC. ("PDI") will move this Court for a judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, dismissing with prejudice the Complaint of plaintiff FEDERAL INSURANCE COMPANY. Alternatively, PDI moves for partial summary judgment pursuant to Rule 56. PDI will make this motion on the grounds that there is no genuine issue as to any material fact, and PDI is therefore entitled to judgment as a matter of law. PDI's motion shall be based upon this Notice of Motion and Motion, the Memorandum of Points

1 and Authorities in support thereof, and the Declaration of Bill Bright and upon such other further
2 evidence as may be presented at the hearing.

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4 Dated: July 29, 2005

HOLLAND & KNIGHT LLP

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7 _____ /s/

8 Robert A. Bleicher
9 Chung-Han Lee

10 Attorneys for Defendant
11 PRAXAIR DISTRIBUTION INC.

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